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SOCIALIST LEGALITY IN THEORY AND PRACTICE  
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[Comment: The following is a translation of a study of socialist legality published by the New York Hungarian-language periodical Magyarországi Események in its issue of September-October 1954. The study was based on articles published in Budapest newspapers and periodicals. Sources in parentheses are those given in the original document.]

The concept of socialist legality made its first appearance in Hungary in 1951 and 1952. Although the concept has remained a theory in the USSR, where it originated, in Hungary it has been put into immediate practice.

Socialist legality received its real impetus after the June 1953 resolution of the Central Committee of the Hungarian Workers Party. This resolution stated, among other things, that "errors committed in the implementation of socialist legality and the enforcement of the law have weakened law and order, violated the rights of the workers, and disturbed the progress of socialism." (Társadalmi Szemle, Sep 1953)

According to Imre Szabo, a leading prosecutor of the party, "Socialist legality means the protection of the rights and legal interests of the workers and the unremitting persecution of their enemies ... socialist legality is the unconditional and complete enforcement and implementation of the socialist laws, decrees, and regulations formulated to express the will of the workers and of the working class." (Társadalmi Szemle, Sep 1953)

Zoltan Peter Vas writes, "Socialist legality ... is an important tool of the class struggle." (Jogtudományi Kozlony, Oct, Nov 1953)

On 12 November 1953, the Budapest Radio echoed the words of Vas, adding, "If the socialist laws are enforced, all the efforts of the enemy will be in vain."

Kalman Czako, Chief Public Prosecutor, stated that "... the basis of socialist legality is the constitution of the socialist state ... Socialist legality means also that everyone is required to implement voluntarily and consciously the laws enacted in his interests." Then Czako came to the real point by adding, "The vital element of socialist legality is the policy of the party and the aims of the government based on this policy." (Jogtudományi Kozlony, Sep 1953)

To strengthen socialist legality, a new prosecuting network was created, giving its members far broader power than they had ever held in Hungary. The prosecutors, formerly merely the representatives of the Department of the Public Prosecutor, now had "general supervisory power over the courts; the ministries; organizations under the immediate control of the Council of Ministers; and the authorities, offices, institutions, and other branches of state administration subordinate to these organizations. The prosecutors determine also the legality of certain measures taken by the local branches of the state administration and of the decrees, decisions, and directives issued by them. Furthermore, the prosecutors have the power to see that officials and the general public do not break the law." (Decree of Legal Force No 13, dated 1953)

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Kalman Czako's statement about the vital element of socialist legality gives the actual picture. It means that the constitution, laws, decrees, etc. have no independent reality but will be modified in spirit and interpretation to conform with the current political aims of the party.

The best example of this is the treatment accorded the peasants who left the producer cooperatives. On 4 October 1953, Szabad Nep wrote: "Persons leaving the producer cooperatives must be given land equal in value and type to that which they brought into the cooperative. The land they receive must be part of the area cultivated by the cooperative to which they belonged." When the producer cooperatives refused to comply, Szabad Nep protested in an editorial on 9 January 1954: "How could it happen that such masses have failed to obey the party and government? For whom are these lawbreakers working?"

Encouraged by the editorial, many former cooperative members brought suit against the cooperatives and demanded land on the basis of the decree quoted in Szabad Nep. Since the courts were obliged to rule in favor of the former members, the producer cooperatives gave up some of their land, which was duly occupied by the claimants.

At this point socialist legality came to the fore. The producer cooperatives obviously complained that they would be ruined by the distribution of their land. Thereupon the supreme court ruled that "former members of a producer cooperative may not file suit against the cooperative. The courts must dismiss all such suits without a hearing." (Szabad Fold, 4 Jul 1954)

After the promulgation of this decree, some of the attorneys who had handled land claim cases were disbarred; others were prosecuted and imprisoned because "socialist legality requires us to take firm steps against such kulak attorneys." (Szabad Nep, 14 May 1954) Peasants who had acquired land legally before the decree was enacted were arrested and imprisoned for "arbitrary acquisition of land." (Szabad Nep, 14 May 1954)

At present, socialist legality is being used as a weapon against pilfering and misappropriation of funds in state enterprises and industries. Chief Public Prosecutor Kalman Czako called a national conference of megye and jaras prosecutors and addressed them as follows: "The question is whether or not the prosecutors have done everything to ensure socialist legality. They have not, because they are lenient toward persons who steal public property and allow them to go free. We must put an end to this situation where the theft of public property and income amounting to many million forints is permitted with the knowledge or connivance of public and economic officials." (Szabad Nep, 6 Oct 1954)

To summarize, socialist legality is a political rather than a legal concept. It does not promote justice but is a tool for furthering the aims of the Hungarian Workers Party.

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